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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,218	10/11/2000	Thomas E. Giles	082225.P4249	7966

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EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/08/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/689,218

Applicant(s)

GILES ET AL.

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. Election was made **without** traverse in Paper No. 5 canceling claims 13-20, which is the non-elected group.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-4 and 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The following terms lack proper antecedence basis:
 - i. Said server node - Claim 2, line 1 (server node was never introduced in claim 1).
 - b. The following claims contain informalities:
 - i. Claims 1 and 2 – Please include periods “.” at the ends of the claims.
 - ii. Claim 9, line 2 – Change “comprises;” to “ comprises:”

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hipp et al (hereinafter Hipp), US 6,411,506.
7. As per claim 1, Hipp taught the invention as claimed including an apparatus comprising:
 - a. One or more processors, the one or more processors configured to perform server functions and switch and router functions including load balancing and fail-over (col.2, lines 16-22, col.3, lines 63-67, col.4, lines 1-6, col.7, lines 10-17, col.8, lines 26-29); and
 - b. A plurality of ports coupled with the one or more processors (col.8, lines 50-56, col.9, lines 62-67, col.10, lines 1-6, col.11, lines 1-12).

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8. As per claim 5, Hipp taught the invention as claimed including a server block comprising:

- a. A plurality of server nodes, each server node comprising a server with integrated switching, routing, load balancing and fail-over functions and a plurality of ports, at least one port of the plurality of ports configured for connection to an external network (col.2, lines 16-22, col.3, lines 63-67, col.4, lines 1-6, col.7, lines 10-17, col.8, lines 26-29, 50-56, col.9, lines 62-67, col.10, lines 1-6, col.11, lines 1-12); and
- b. A plurality of signal paths connected with the plurality of ports of the server nodes of the plurality of the server nodes (col.3, lines 62-64, 66-67, col.4, line 1), at least two of the plurality of ports of each server node of the plurality of server nodes connected with another server node of the plurality of server nodes in the server block (col.2, lines 23-31, col.4, lines 34-58).

9. As per claim 2 and 6, Hipp taught the invention as claimed in claims 1 and 5. Hipp further taught wherein each server node of the plurality of server nodes comprises one single printed circuit board (col.8, lines 1-10, col.10, lines 54-59, col.11, lines 13-15).

10. As per claim 3, Hipp taught the invention as claimed in claim 1. Hipp further taught that where the plurality of ports comprises four ports (col.9, lines 27-34, col.11, lines 13-23).

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11. As per claims 4 and 7, Hipp taught the invention as claimed in claims 2 and 6. Hipp further taught wherein the printed circuit board is rack mountable and the plurality of ports of each server node of the plurality of server nodes are accessible as connection points on the card rack and the server block is constructed in one card rack by interconnecting the connection points on the card rack (col.3, lines 56-61, col.7, lines 52-62, col.18, lines 16-21, fig.13).

12. As per claim 8, Hipp taught the invention substantially as claimed in claim 7. Hipp further taught wherein the external connections of the plurality of server block are provided through an interface card in the card rack, the interface card being connected to the plurality of server nodes through connection points on the card rack (col.2, lines 23-31, col.3, lines 62-67, col.4, line 1, col.11, lines 64-67, col.12, lines 1-5, col.18, lines 16-21).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hipp et al (hereinafter Hipp), US 6,411,506.

15. As per claim 9, Hipp taught the invention substantially as claimed including a computer network comprising:

- a. A plurality of server blocks wherein each server block (fig.13) comprises:
 - i. A plurality of server nodes, each server node comprising a server with integrated switching, routing, load balancing and fail-over functions and a plurality of ports (col.2, lines 16-22, col.3, lines 63-67, col.4, lines 1-6, col.8, lines 50-56, col.9, lines 62-67, col.10, lines 1-6, col.11, lines 1-12), and
 - ii. A plurality of signal paths connected with the plurality of ports of each server node of the plurality of server nodes (col.3, lines 62-64, 66-67, col.4, line 1), at least one signal path connected with each server node of the plurality of server nodes providing an external connection to a server block (col.14, 17-22, 25-29, 32-34), and at least two signal paths of the plurality of signal paths connected with each server node of the plurality of server nodes being connected with other server nodes of the plurality of server nodes in the block (col.2, lines 23-31, col.4, lines 34-58); and
- b. A plurality of signal paths connected with the server blocks (col.18, lines 16-21).

16. Hipp further taught to provide connector paths in the backplate of the server rack intended to facilitate daisy chaining of server blocks within server rack (col.18, lines 16-21). Hipp did not specifically teach to include at least one signal paths connected with each server block of the plurality of server blocks providing an external connection to the network, and at

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least two signal paths of the plurality of signal paths connected with each server block of the plurality of server blocks being connected with other server blocks of the plurality of server blocks. However, since Hipp taught to include a plurality of signal paths connected with the server blocks (col.18, lines 16-21), and at least two signal paths of the plurality of signal paths connected with each server node of the plurality of server nodes being connected with other server nodes of the plurality of server nodes in the block (col.2, lines 23-31, col.4, lines 34-58), it would have been obvious to dedicate signal paths that are connected to the server blocks as an external connection to the network or for chaining of server blocks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to dedicate a certain signal paths in Hipp's system for external network connection and server blocks chaining facilitation purpose to provide communications in between the server blocks mounted on the same server rack (col.18, lines 16-21)

17. As per claim 10, Hipp taught the invention substantially as claimed in claim 9. Hipp further taught wherein each server node of the plurality of server nodes comprises one printed circuit board (col.8, lines 1-10, col.10, lines 54-59, col.11, lines 13-15).

18. As per claim 11, Hipp taught the invention substantially as claimed in claim 10. Hipp further taught wherein the printed circuit board is rack mountable and the plurality of ports of each server node of the plurality of server nodes are accessible as connection points on the card rack and a server block is constructed in one card rack by interconnecting the connection points on the card rack (col.3, lines 56-61, col.7, lines 52-62, col.18, lines 16-21, fig.13).

19. As per claim 12, Hipp taught the invention substantially as claimed in claim 11. Hipp further taught wherein the external connections of the plurality of server block are provided through an interface card in the card rack, the interface card being connected to the plurality of server nodes through connection points on the card rack (col.2, lines 23-31, col.3, lines 62-67, col.4, line 1, col.11, lines 64-67, col.12, lines 1-5, col.18, lines 16-21).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Edmonds et al, US 6,412,079.

21. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703)305-0438. The examiner can normally be reached on 8 AM to 5 PM Tuesday to Friday and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses: (703) 872-9306

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-6121.

ksl

April 1, 2004


ZARNI MAUNG
PRIMARY EXAMINER